

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1050**

Introduced by Erdman, 47.

Read first time January 18, 2008

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Game and Parks Commission; to amend  
2 sections 37-101, 37-103, 37-104, 37-105, 37-106, 37-107,  
3 37-108, 37-109, 37-110, 37-312, 37-314, 37-321, 37-323,  
4 37-325, 37-327.01, 37-448, 37-463, 37-493, 37-494,  
5 37-512, 37-562, 37-613, 37-624, 37-705, 37-721, 37-805,  
6 37-806, 37-807, 37-808, 37-809, 37-1219, 37-1220, 60-677,  
7 60-6,190, 66-1701, 72-223, 72-269, and 72-2007, Reissue  
8 Revised Statutes of Nebraska, section 2-5003, Revised  
9 Statutes Cumulative Supplement, 2006, and sections  
10 37-406, 37-431, 49-617, 81-101, 81-102, 81-15,170, and  
11 86-570, Revised Statutes Supplement, 2007; to change  
12 provisions relating to the Game and Parks Commission; to  
13 create the Game and Parks Commission Advisory Board; to  
14 eliminate obsolete provisions; to harmonize provisions;

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1           to provide an operative date; to repeal the original  
2           sections; and to outright repeal sections 81-8,307 and  
3           81-8,308, Reissue Revised Statutes of Nebraska.  
4   Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 2-5003, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           2-5003 There is hereby created the Nebraska Aquaculture  
4 Board. The board shall consist of (1) the aquaculturist employed by  
5 the Cooperative Extension Service pursuant to section 85-1,104.01,  
6 (2) one employee of the commission who is familiar with aquatic  
7 disease, appointed by the ~~secretary~~ director of the commission,  
8 (3) one employee of the department appointed by the ~~director,~~  
9 Director of Agriculture, (4) three aquaculturists, appointed by the  
10 Governor, and (5) a representative of an industry or product which  
11 is related to or used in aquaculture, appointed by the Governor.  
12 The board shall elect from its members a chairperson. The terms  
13 of the members of the board shall be three years, except that the  
14 terms of the initial aquaculturist members of the board shall be  
15 staggered so that one member is appointed for a term of one year,  
16 one for a term of two years, and one for a term of three years,  
17 as determined by the Governor. Members appointed under subdivisions  
18 (4) and (5) of this section shall be reimbursed for their actual  
19 and necessary expenses as provided in sections 81-1174 to 81-1177.

20           Sec. 2. Section 37-101, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           37-101 (1) The Game and Parks Commission Advisory Board  
23 shall consist of eight members, one from each of the eight  
24 districts provided for by section 37-102, and shall be appointed  
25 by the Governor with the consent of a majority of all members of

1 the Legislature. Members of the ~~commission~~ board shall be legal  
2 residents and citizens of Nebraska and shall be well informed on  
3 wildlife conservation and restoration. ~~Until January 1, 2006,~~ at  
4 ~~least two members of the commission shall be actually engaged in~~  
5 ~~agricultural pursuits and shall reside on a farm or ranch. On and~~  
6 ~~after January 1, 2006,~~ at At least three members of the commission  
7 board shall be actually engaged in agricultural pursuits, and at  
8 least two of such members shall reside on a farm or ranch. Not more  
9 than four of the members ~~of the commission~~ shall be affiliated with  
10 the same political party.

11 (2) When the term of any member ~~of the commission~~  
12 expires, a successor shall be appointed as provided in subsection  
13 (1) of this section ~~for a term of five years~~ from the same district  
14 as the member whose term has expired. ~~Beginning with appointments~~  
15 ~~made for terms beginning after January 1, 2008,~~ in Each member  
16 serving on the Game and Parks Commission on the operative date  
17 of this act shall be a member of the Game and Parks Commission  
18 Advisory Board for a term ending on January 31 of the year in  
19 which his or her previous term would have expired. Their successors  
20 shall be appointed for four-year terms. In districts which contain  
21 more than one county, the Governor shall not appoint a person from  
22 the same county as his or her predecessor unless the Governor is  
23 reappointing the same person. Each member shall serve until the  
24 appointment and qualification of his or her successor. In case of a  
25 vacancy occurring prior to the expiration of the term of a member,

1 the appointment shall be made only for the remainder of the term.

2 (3) All members ~~of the commission~~ shall be citizens and  
3 bona fide residents of the district from which they are appointed.  
4 When a member ceases to be a bona fide resident of the district,  
5 from which he or she was appointed, the office shall be immediately  
6 vacated.

7 (4) If the Legislature is not in session when members  
8 ~~of the commission~~ are appointed by the Governor, they shall take  
9 office and act as recess appointees until the Legislature next  
10 thereafter convenes.

11 (5) Members may be removed by the Governor for  
12 inefficiency, neglect of duty, or misconduct in office, but only  
13 after delivering to the member a copy of the charges and affording  
14 an opportunity of being publicly heard in person or by counsel in  
15 his or her own defense, upon not less than ten days' notice. Such  
16 hearing shall be held before the Governor. ~~(6)~~ If such member is  
17 removed, the Governor shall file in the office of the Secretary of  
18 State a complete statement of all charges made against such member  
19 and his or her findings thereon, together with a complete record  
20 of the proceedings.

21 (6) No person who has served a full five-year term two  
22 full terms shall be eligible for reappointment, as a member of  
23 the commission until at least five years have elapsed between any  
24 previous term which he or she might have served and the effective  
25 date of his or her new appointment.

1           Sec. 3. Section 37-103, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           37-103 The members of the Game and Parks Commission  
4 Advisory Board shall meet in ~~January~~ February of each year and  
5 shall elect a chairperson ~~of the commission~~ from the membership.  
6 The board shall advise the Game and Parks Commission regarding the  
7 implementation of the Game Law, the Nongame and Endangered Species  
8 Conservation Act, the State Boat Act, and other matters under the  
9 jurisdiction of the commission at the request of the director of  
10 the commission.

11           Sec. 4. Section 37-104, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           37-104 Regular meetings of the Game and Parks Commission  
14 Advisory Board shall be held quarterly. Special meetings may be  
15 held upon call of the chairperson or pursuant to a call signed  
16 by three other members, of which the chairperson shall have three  
17 days' written notice. No official action shall be taken except at a  
18 public meeting at the headquarters of the commission or at a public  
19 meeting at a location within the state as determined by a majority  
20 of members of the ~~commission.~~ board. ~~Four members of the commission~~  
21 shall constitute a quorum for the transaction of business.

22           All regular meetings held in Lincoln, Nebraska, shall be  
23 held in suitable offices to be provided under the authority of  
24 Chapter 72, article 14. The Game and Parks Commission is authorized  
25 to enter into an agreement with the city of Lincoln providing for

1 the supplying by the city of Lincoln to the State of Nebraska  
2 for the commission of a headquarters office building and related  
3 buildings and facilities therefor, including the parking of motor  
4 vehicles, to be located on real estate which is north of Holdrege  
5 Street and east of 33rd Street.

6 Sec. 5. Section 37-105, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 37-105 The members of the Game and Parks Commission,  
9 ~~other than the secretary,~~ Advisory Board shall be reimbursed for  
10 all actual and necessary traveling and other expenses incurred in  
11 the discharge of their official duties as provided in sections  
12 81-1174 to 81-1177 and shall be allowed a per diem of thirty-five  
13 dollars for days actually away from home on business of the  
14 ~~commission,~~ board, not exceeding forty-five days in any one year.

15 Sec. 6. Section 37-106, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 37-106 The Director of the Game and Parks Commission  
18 shall ~~appoint a secretary, who will act as its director and the~~  
19 chief conservation officer and be in charge of ~~its~~ the activities  
20 of the commission. He or she shall be a person with knowledge of  
21 and experience in the requirements of the protection, propagation,  
22 conservation, and restoration of the wildlife resources of the  
23 state. ~~The secretary shall serve for a term of six years.~~ The  
24 ~~secretary~~ director shall not hold any other public office and  
25 shall devote his or her entire time to the service of the state

1 in the discharge of his or her official duties. ~~The secretary~~  
2 ~~shall receive such compensation as the commission may determine~~  
3 ~~and shall be reimbursed for all actual and necessary traveling~~  
4 ~~and other expenses incurred by him or her in the discharge of~~  
5 ~~his or her official duties as provided in sections 81-1174 to~~  
6 ~~81-1177.~~ Before entering upon the duties of his or her office, the  
7 ~~secretary~~ director shall take and subscribe to the constitutional  
8 oath of office, and shall, in addition thereto, swear or affirm  
9 that he or she holds no other public office, nor any position  
10 under any political committee or party. Such oath or affirmation  
11 shall be filed in the office of the Secretary of State. ~~Under the~~  
12 ~~direction of the commission,~~ The director shall have  
13 general supervision and control of all activities and functions  
14 of the commission, shall enforce all the provisions of the  
15 law of the state relating to wild animals, birds, fish, parks,  
16 and recreational areas, and shall exercise all necessary powers  
17 incident thereto. The changes made by this legislative bill shall  
18 not be construed to alter the contracts, property, jurisdiction,  
19 rules, regulations, orders, permits, licenses, fees, personnel, or  
20 any other administrative or judicial proceedings or actions of  
21 the agency of the Game and Parks Commission taken prior to the  
22 operative date of this act until altered or amended as provided by  
23 law. not specifically conferred on the commission. ~~The secretary~~  
24 ~~may be removed by the commission for inefficiency, neglect of~~  
25 ~~duty, or misconduct in office, but only by a majority vote of~~

1 the commissioners after delivering to the secretary a copy of the  
2 charges and affording him or her an opportunity of being publicly  
3 heard in person or by counsel in his or her own defense. If the  
4 secretary is removed, the commission shall place in its minutes  
5 a complete statement of all charges made against the secretary  
6 and its findings thereon, together with a complete record of the  
7 proceedings and the recorded vote thereon.

8           Sec. 7. Section 37-107, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           37-107 It shall be the duty of the secretary to The  
11 Director of the Game and Parks Commission shall keep an exact and  
12 detailed account and record of the activities of the Game and Parks  
13 Commission, and on commission. On September 15 of each year, he or  
14 she shall submit to the Governor a report of all expenditures made  
15 during the preceding fiscal year, vouchers for which shall be kept  
16 on file in the office of the secretary commission and open to the  
17 inspection of the Governor, Auditor of Public Accounts, and members  
18 of the Legislature. All money received by the commission from the  
19 administration of fish and game shall be remitted to the State  
20 Treasurer for credit to the State Game Fund except as otherwise  
21 provided in the Game Law.

22           Sec. 8. Section 37-108, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           37-108 The secretary, under the direction Director of  
25 the Game and Parks Commission acting in official session, is

1 ~~authorized to~~ may appoint such conservation officers, agents,  
2 office employees, and such other employees as may be required  
3 efficiently to enforce the laws for the protection of wildlife and  
4 for the administration of hatcheries, game preserves, recreational  
5 areas, and parks. In addition to the necessary conservation  
6 officers, the ~~commission~~ director shall specify and require the  
7 appointment of such other agents and employees, as may be required  
8 to execute ~~its~~ the plans and projects and ~~to~~ administer ~~its~~  
9 of the commission, and the ~~commission~~ shall prescribe their duties.  
10 The ~~commission~~ director shall fix the compensation of conservation  
11 officers and other agents and employees. Conservation officers  
12 and other agents and employees may be removed by the ~~commission~~  
13 director but only after a hearing. While retaining the right to  
14 vote as he or she may please and to express privately his or her  
15 opinion on all political subjects, no employee ~~or officer~~ of the  
16 commission shall use his or her official authority or influence  
17 for the purpose of interfering with an election or affecting the  
18 results thereof.

19           Sec. 9. Section 37-109, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           37-109 Each ~~commissioner~~ and ~~every~~ conservation officer  
22 and each administrative officer under the Game and Parks  
23 Commission, before entering upon the duties of his or her office,  
24 shall subscribe and take the constitutional oath of office, which  
25 shall be filed in the office of the Secretary of State.

1           Sec. 10. Section 37-110, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           37-110 ~~Each member of the Game and Parks Commission,~~  
4 ~~all~~ All conservation officers, managers and custodians of parks,  
5 hatcheries, and captive wildlife facilities, all other agents, and  
6 all employees ~~thereof,~~ of the Game and Parks Commission shall be  
7 bonded or insured as required by section 11-201.

8           Sec. 11. Section 37-312, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           37-312 When the permission of the commission is required  
11 as a prerequisite to any activity set out in sections 37-305 to  
12 37-313, such permission shall be established by ~~resolution~~ the  
13 director of the commission. The ~~resolution~~ director may set out  
14 the circumstances under which the supervisor or managing official  
15 in charge of any area under the ownership or control of the  
16 commission may give such permission in emergency situations, and  
17 ~~such resolution~~ the director may further provide for the revocation  
18 of such permission by the ~~secretary of the commission~~ director  
19 or by the supervisor or managing official of any area under the  
20 ownership and control of the commission.

21           Sec. 12. Section 37-314, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           37-314 (1) The commission may, in accordance with  
24 the Game Law, other provisions of law, and lawful rules and  
25 regulations, fix, prescribe, and publish rules and regulations as

1 to open seasons and closed seasons, either permanent or temporary,  
2 as to conservation orders or similar wildlife management activities  
3 authorized by the United States Fish and Wildlife Service, as to  
4 bag limits or the methods or type, kind, and specifications of  
5 hunting, fur-harvesting, or fishing gear used in the taking of any  
6 game, game fish, nongame fish, game animals, fur-bearing animals,  
7 or game birds, as to the age, sex, species, or area of the state in  
8 which any game, game fish, nongame fish, game animals, fur-bearing  
9 animals, or game birds may be taken, or as to the taking of any  
10 particular kinds, species, or sizes of game, game fish, nongame  
11 fish, game animals, fur-bearing animals, and game birds in any  
12 designated waters or areas of this state after due investigation  
13 and having due regard to the distribution, abundance, economic  
14 value, breeding habits, migratory habits, and causes of depletion  
15 or extermination of the same in such designated waters or areas and  
16 having due regard to the volume of the hunting, fur harvesting,  
17 and fishing practiced therein and the climatic, seasonal, and other  
18 conditions affecting the protection, preservation, and propagation  
19 of the same in such waters or areas. Such rules and regulations may  
20 be amended, modified, or repealed from time to time, subject to  
21 such limitations and standards, and such rules and regulations and  
22 all amendments, modifications, and repeals thereof shall be based  
23 upon investigation and available but reliable data relative to such  
24 limitations and standards.

25 (2) Each such rule, regulation, amendment, modification,

1 and repeal shall specify the date when it shall become effective  
2 and while it remains in effect shall have the force and effect of  
3 law.

4 (3) Regardless of the provisions of this section or  
5 of other sections of the Game Law which empower the commission  
6 to set seasons on game birds, fish, or animals or provide the  
7 means and method by which such seasons are set or promulgated and  
8 regardless of the provisions of the Administrative Procedure Act,  
9 the commission may close or reopen any open season previously set  
10 on game birds, fish, or animals in all or any specific portion of  
11 the state. The commission shall only close or reopen such seasons  
12 by majority vote at a valid special meeting called under section  
13 ~~37-104 and other provisions of statutes regarding the holding of~~  
14 ~~public meetings-~~ after a public hearing called by the director of  
15 the commission for such purpose. Any closing or reopening of an  
16 open season previously set by the commission shall not be effective  
17 for at least twenty-four hours after such action by the commission.  
18 The commission shall make every effort to make available to all  
19 forms of the news media the information on any opening or closing  
20 of any open season on game birds, fish, or animals previously set.  
21 The commission may only use this special provision allowing the  
22 commission to open or close game bird, fish, or animal seasons  
23 previously set in emergency situations in which the continuation  
24 of the open season would result in grave danger to human life  
25 or property. The commission may also close or reopen any season

1 established by a conservation order under the same provisions  
2 pertaining to closing and reopening seasons in this section.

3 Sec. 13. Section 37-321, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 37-321 The commission may ~~by regulation,~~ adopt and  
6 promulgate rules and regulations to authorize the taking of fish by  
7 any means and in any number whenever the ~~secretary~~ director of the  
8 commission determines, pursuant to standards imposed by such rules  
9 and regulations, that such action is necessary for proper fish  
10 management as a result of an emergency created by the drying up  
11 of any waters inhabited by fish. Such determination shall specify  
12 the waters in which such emergency action is desirable, and the  
13 authorization so granted shall extend to such waters and to no  
14 others. The taking of any fish in violation of this section shall  
15 be a Class V misdemeanor.

16 Sec. 14. Section 37-323, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 37-323 The ~~secretary~~ director of the commission shall  
19 remit to the State Treasurer all tax money and other funds received  
20 by ~~him or her~~ the commission and shall take the receipt of the  
21 treasurer therefor. The State Treasurer shall credit such funds to  
22 the State Game Fund except as otherwise provided in the Game Law.

23 The State Game Fund is created. Any money in the State  
24 Game Fund available for investment shall be invested by the state  
25 investment officer pursuant to the Nebraska Capital Expansion Act

1 and the Nebraska State Funds Investment Act.

2 County clerks, other county officials, and the ~~secretary~~  
3 director of the commission shall be liable upon their official  
4 bonds for failure to pay over any of such funds coming into their  
5 hands. Any other agent who receives permit fees under the Game Law  
6 or the rules and regulations of the commission and who fails to  
7 remit the fees to the commission within a reasonable time after  
8 demand by the commission shall be liable to the commission in  
9 damages for double the amount of the funds wrongfully withheld. Any  
10 agent who purposefully fails to remit such fees with the intention  
11 of converting them is guilty of theft. The penalty for such  
12 violation shall be determined by the amount converted as specified  
13 in section 28-518.

14 Sec. 15. Section 37-325, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 37-325 All funds expended by the commission shall be  
17 paid by the State Treasurer upon warrants drawn by the Director  
18 of Administrative Services on vouchers signed by the ~~secretary-~~  
19 director of the commission. No such vouchers shall be issued except  
20 upon accounts authorized by the commission in open meeting, except  
21 that vouchers for mileage or other traveling expense shall be  
22 allowed as provided in sections 81-1174 to 81-1177. ~~The commission~~  
23 ~~shall at the first regular meeting audit all expenditures made~~  
24 ~~since its last regular meeting-~~

25 Sec. 16. Section 37-327.01, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           37-327.01 (1) The Game Law Investigation Cash Fund is  
3 created. The commission shall use the fund for the purpose of  
4 obtaining evidence for enforcement of the Game Law. The fund shall  
5 be funded through revenue collected under the Game Law and budgeted  
6 or allocated to the fund by the director of the commission,  
7 and through donations from persons, wildlife groups, and other  
8 charitable sources. Any money in the fund available for investment  
9 shall be invested by the state investment officer pursuant to  
10 the Nebraska Capital Expansion Act and the Nebraska State Funds  
11 Investment Act.

12           (2) For the purpose of establishing and maintaining  
13 legislative oversight and accountability, the commission shall  
14 formulate record-keeping procedures for all expenditures,  
15 disbursements, and transfers of cash from the Game Law  
16 Investigation Cash Fund. Based on these record-keeping procedures,  
17 the commission shall prepare and deliver to the Clerk of the  
18 Legislature by September 15 of each year a detailed report of  
19 the previous fiscal year which includes, but is not limited to:  
20 (a) The June 30 balance in the Game Law Investigation Cash Fund  
21 and the amounts delivered to the commission for distribution to  
22 agents and informants; (b) the total amount of expenditures;  
23 (c) the purpose of the expenditures including: (i) Salaries and  
24 any expenses of all agents and informants; (ii) front money for  
25 wildlife purchases; (iii) type of wildlife and amount purchased;

1 and (iv) amount of front money recovered; (d) the total number of  
2 informants on payroll; and (e) the results procured through such  
3 transactions. Each member of the Legislature shall receive a copy  
4 of such report by making a request for it to the ~~secretary~~ director  
5 of the commission.

6 (3) The commission shall adopt and promulgate rules and  
7 regulations to carry out this section.

8 Sec. 17. Section 37-406, Revised Statutes Supplement,  
9 2007, is amended to read:

10 37-406 (1) Licenses, permits, and stamps required under  
11 the Game Law shall be issued by ~~the commission~~ and may be procured  
12 from ~~the secretary of~~ the commission. The commission may provide  
13 for the electronic issuance of any license, permit, or stamp  
14 required under the Game Law and may enter into contracts to procure  
15 necessary services and supplies for the electronic issuance of  
16 licenses, permits, and stamps. Except for permits issued under  
17 sections 37-462 and 37-463, the commission may provide for the  
18 issuance of any license, permit, or stamp required under the Game  
19 Law in the form of a number which identifies the holder in the  
20 records of the commission. The commission may designate itself and  
21 other persons, firms, and corporations as agents to issue licenses,  
22 permits, and stamps and collect the prescribed fees. The commission  
23 and any person, firm, or corporation authorized by the commission  
24 to issue licenses, permits, and stamps shall be entitled to collect  
25 and retain an additional fee of not less than fifty cents and not

1 more than two dollars, for each license, permit, or stamp issued as  
2 reimbursement for the clerical work of issuing the license, permit,  
3 or stamp and collecting and remitting the fees.

4 (2) The commission shall adopt and promulgate rules and  
5 regulations regarding electronic issuance of licenses, permits,  
6 and stamps, including electronic issuance devices, deposits by  
7 agents, and remittance of fees. The commission may provide for the  
8 electronic issuance of a license, permit, or stamp by acknowledging  
9 the purchase of such license, permit, or stamp without requiring a  
10 physical license, permit, or stamp or facsimile of such.

11 (3) It shall be unlawful for any person to duplicate  
12 any electronically issued license, permit, or stamp. Any person  
13 violating this subsection shall be guilty of a Class III  
14 misdemeanor and shall be fined at least seventy-five dollars, and  
15 any license, permit, or stamp involved in such violation shall be  
16 confiscated by the court.

17 Sec. 18. Section 37-431, Revised Statutes Supplement,  
18 2007, is amended to read:

19 37-431 (1)(a) The Nebraska Habitat Fund is created.  
20 The commission shall remit fees received for habitat stamps and  
21 Nebraska migratory waterfowl stamps to the State Treasurer for  
22 credit to the Nebraska Habitat Fund. Any money in the fund  
23 available for investment shall be invested by the state investment  
24 officer pursuant to the Nebraska Capital Expansion Act and the  
25 Nebraska State Funds Investment Act. No expenditure shall be made

1 from the Nebraska Habitat Fund until the commission has presented a  
2 habitat plan to the Committee on Appropriations of the Legislature  
3 for its approval.

4 (b) Fees received for lifetime habitat stamps and  
5 lifetime Nebraska migratory waterfowl stamps shall be credited to  
6 the Nebraska Habitat Fund and shall not be expended but may be  
7 invested by the state investment officer pursuant to the Nebraska  
8 Capital Expansion Act and the Nebraska State Funds Investment Act.  
9 Income from such investments may be expended by the commission  
10 pursuant to section 37-432.

11 (2) (a) The Nebraska Aquatic Habitat Fund is created. The  
12 commission shall remit fees received for aquatic habitat stamps and  
13 one dollar of the one-day fishing permit fee as provided in section  
14 37-426 to the State Treasurer for credit to the Nebraska Aquatic  
15 Habitat Fund. Any money in the fund available for investment  
16 shall be invested by the state investment officer pursuant to  
17 the Nebraska Capital Expansion Act and the Nebraska State Funds  
18 Investment Act. No expenditure shall be made from the Nebraska  
19 Aquatic Habitat Fund until the commission has presented a habitat  
20 plan to the Committee on Appropriations and the Committee on  
21 Natural Resources of the Legislature for their approval.

22 (b) Fees received for lifetime aquatic habitat stamps  
23 shall be credited to the Nebraska Aquatic Habitat Fund and shall  
24 not be expended but may be invested by the state investment officer  
25 pursuant to the Nebraska Capital Expansion Act and the Nebraska

1 State Funds Investment Act. Income from such investments may be  
2 expended by the commission pursuant to section 37-432.

3 (3) The ~~secretary~~ director of the commission and any  
4 county clerk or public official designated to sell habitat stamps,  
5 aquatic habitat stamps, or Nebraska migratory waterfowl stamps  
6 shall be liable upon their official bonds or equivalent commercial  
7 insurance policy for failure to remit the money from the sale of  
8 the stamps, as required by sections 37-426 to 37-433, coming into  
9 their hands. Any agent who receives stamp fees and who fails to  
10 remit the fees to the commission within a reasonable time after  
11 demand by the commission shall be liable to the commission in  
12 damages for double the amount of the funds wrongfully withheld. Any  
13 agent who purposefully fails to remit such fees with the intention  
14 of converting them is guilty of theft. The penalty for such  
15 violation shall be determined by the amount converted as specified  
16 in section 28-518.

17 Sec. 19. Section 37-448, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 37-448 (1) Subject to rules and regulations adopted  
20 and promulgated by the commission, the ~~secretary~~ director of  
21 the commission may designate special deer depredation seasons by  
22 executive order. The ~~secretary~~ director may designate a depredation  
23 season whenever he or she determines that deer are causing  
24 excessive property damage. The ~~secretary~~ director shall specify  
25 the number of permits to be issued, shooting hours, the length of

1 the depredation season, and the geographic area in which hunting  
2 will be permitted. Each such permit shall give the holder the right  
3 to take one deer. Hunting during a special depredation season shall  
4 be limited to residents and shall be restricted to firearms which  
5 are permissible for use during the regular deer season.

6 (2) The depredation season may commence not less than  
7 five days after the first public announcement that the depredation  
8 season has been established. Permits shall be issued beginning not  
9 less than three days after the first public announcement of the  
10 depredation season and shall be issued in an impartial manner at  
11 a location determined by the ~~secretary~~ director. The commission  
12 shall, pursuant to section 37-327, establish and charge a fee of  
13 not less than twenty dollars and not more than twenty-five dollars  
14 for a special depredation season permit. Fifty percent of the fee  
15 shall be paid by the commission to a landowner or operator within  
16 the designated area upon satisfactory proof a deer was killed upon  
17 his or her farm or ranch during the special depredation season.  
18 Receipt of a depredation season permit shall not in any way affect  
19 a person's eligibility for a regular season permit.

20 Sec. 20. Section 37-463, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 37-463 (1) It shall be unlawful for any person, firm, or  
23 corporation dealing in raw furs to conduct such business without  
24 first obtaining from the commission a fur buyer's permit. If the  
25 applicant is an individual, the application shall include the

1 applicant's social security number. The annual fee for this permit  
2 shall be not less than one hundred twelve dollars and not more  
3 than one hundred thirty-eight dollars for residents, as established  
4 by the commission pursuant to section 37-327. Any resident who  
5 has resided in this state continuously for a period of six months  
6 before making an application for a permit under this section shall  
7 be deemed to be a resident and may be issued a resident permit  
8 under this section. The fees for nonresidents of this state shall  
9 be equal to the fees charged for similar permits by the states of  
10 their respective residences but not less than five hundred dollars  
11 per annum for such nonresidents. Before a fur buyer's permit is  
12 issued to a nonresident of this state, the applicant shall execute  
13 and deliver to the ~~secretary~~ director of the commission a corporate  
14 surety bond, running to the State of Nebraska, in the penal sum of  
15 one thousand dollars to be approved by the commission, conditioned  
16 that the permitholder shall faithfully comply with all the laws of  
17 this state. Dealers sending buyers into the field away from their  
18 place of business shall provide each such buyer with a separate  
19 fur buyer's permit. Every nonresident buyer entering the state or  
20 who has buyers in this state shall carry a nonresident fur buyer's  
21 permit.

22 (2) Every resident and nonresident fur buyer shall keep  
23 a complete record of all furs bought or sold in a record book to  
24 be provided by the commission or any other form of record keeping  
25 approved by the commission. Such record shall include, but not be

1 limited to, the number and kind of furs bought or sold, the name  
2 and address of the seller or buyer, the date and place of purchase  
3 or sale, and the permit number of the seller or fur buyer.

4 (3) It shall be unlawful for any fur buyer to have  
5 raw furs in his, her, or its possession unless the record gives  
6 positive evidence of the origin of such furs and unless such record  
7 balances at all times. Such record shall be open to inspection  
8 by conservation officers at any and all times and shall be made  
9 available to such officers upon demand.

10 (4) Any violation of any of the provisions of this  
11 section shall constitute a Class IV misdemeanor, and as a part of  
12 the penalty the court shall require the offender to purchase the  
13 required permit.

14 Sec. 21. Section 37-493, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 37-493 The commission may either refuse to issue or  
17 refuse to renew or may suspend or may revoke any game breeding and  
18 controlled shooting area license if the commission finds that such  
19 licensed area or the operator thereof is not complying or does not  
20 comply with the provisions of sections 37-484 to 37-496, or that  
21 such property or area is operated in violation of other provisions  
22 of sections 37-484 to 37-496, or in an unlawful or illegal manner.  
23 The commission shall not refuse to issue, refuse to renew, nor  
24 suspend or revoke any license for any of these causes, unless the  
25 licensee affected has been given at least fifteen days' notice in

1 writing of the reasons for the action of the commission and an  
2 opportunity to appear before the commission or a representative  
3 thereof in opposition to the action of the commission. Upon the  
4 hearing of any such proceeding, the ~~secretary~~ director of the  
5 commission, ~~or any representative of the commission designated by~~  
6 ~~him or her,~~ or his or her designee may administer oaths and the  
7 commission may procure by its subpoena the attendance of witnesses  
8 and the production of relevant books and papers. Any district court  
9 or any judge of a district court, upon application of either the  
10 licensee affected or of the commission, may on order duly entered  
11 require the attendance of witnesses and the production of relevant  
12 books and papers before the commission or its representative in  
13 any such hearing. Upon refusal or neglect to obey the order of the  
14 court or judge, the court or judge may compel obedience of the  
15 order by proceedings for contempt of court.

16           Sec. 22. Section 37-494, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           37-494 Whenever a license is issued to any person and  
19 the holder thereof violates or is found guilty of a violation  
20 of any of the provisions of sections 37-484 to 37-496 or of  
21 any misrepresentation in obtaining such license, the license so  
22 issued to such a person may be revoked by the commission, and the  
23 ~~secretary~~ director of the commission may, in his or her discretion,  
24 refuse to issue any license to such person for the period of one  
25 year thereafter.

1           Sec. 23. Section 37-512, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           37-512 (1) Every express company and common carrier,  
4 their officers, agents, and servants, and every other person who  
5 ~~(1)~~ (a) transfers or carries from one point to another within the  
6 state, ~~(2)~~ (b) takes out of the state, or ~~(3)~~ (c) receives, for the  
7 purpose of transferring from this state, any raw furs protected by  
8 the Game Law, except as permitted in this section, shall be guilty  
9 of a Class III misdemeanor.

10           (2) It shall be lawful for any express company, railroad,  
11 common carrier, or postmaster to receive raw furs protected by the  
12 Game Law for transportation from one point to another by express,  
13 baggage, or mail during the open season and ten days thereafter, or  
14 such further period as may be specifically granted a shipper by the  
15 commission, when such raw fur is accompanied by a tag furnished by  
16 the commission and placed upon the package giving the name of the  
17 consignee, the number of his or her fur-harvesting permit, and a  
18 description of the kind and number of each kind of raw fur in the  
19 shipment. A duplicate portion of such tag shall be filled out and  
20 sent to the ~~secretary~~ director of the commission.

21           Sec. 24. Section 37-562, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           37-562 It shall be lawful for any officer or employee  
24 of any public power, irrigation, or drainage district organized  
25 under the laws of this state to kill or destroy or to have trapped

1 any beaver or muskrat which may be found to be destroying or  
2 damaging any dams, ditches, or other works needed and useful in the  
3 operation of such district. Such district may cause such trapping  
4 to occur if, within thirty days after notice in writing is given  
5 to the ~~secretary~~ director of the commission of such destruction or  
6 damage and the location thereof, the commission fails, neglects,  
7 or refuses to cause the beaver or muskrat doing such destruction  
8 or damage to be removed from the place where such destruction  
9 or damage is occurring or to take such other steps as may be  
10 effective to prevent further damage to the works of such district.  
11 Before any such district has such beaver or muskrat trapped, it  
12 shall submit to the ~~secretary~~ director of the commission the names  
13 and addresses of the trappers to do the trapping. If no written  
14 objection is received, stating the reasons for such objection, from  
15 the ~~secretary~~ director within five days after the receipt of the  
16 names, they shall be deemed to be approved. No trapper who has  
17 been objected to in writing by the commission shall trap under  
18 this section. The district shall report to the commission every  
19 thirty days the number of beaver or muskrat killed or destroyed and  
20 shall forward with such report a fee of up to three dollars, as  
21 established by the commission pursuant to section 37-327, for each  
22 beaver so killed or destroyed. Under such circumstances, no permit  
23 shall be required to so kill or destroy such beaver or muskrat, but  
24 fees shall be paid for beaver killed as provided in this section.

25 Sec. 25. Section 37-613, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           37-613 (1) Any person who sells, purchases, takes, or  
3 possesses contrary to the Game Law any wildlife shall be liable to  
4 the State of Nebraska for the damages caused thereby. Such damages  
5 shall be:

6           (a) Five thousand dollars for each mountain sheep;

7           (b) One thousand five hundred dollars for each elk or  
8 moose or each individual animal of a threatened or endangered  
9 species of wildlife;

10           (c) Seven hundred fifty dollars for each deer, antelope,  
11 bear, swan, or paddlefish;

12           (d) One hundred dollars for each wild turkey;

13           (e) Seventy-five dollars for each other game bird, other  
14 game animal, fur-bearing animal, other than raccoons, or the raw  
15 pelts thereof, or nongame wildlife in need of conservation as  
16 designated by the commission pursuant to section 37-805;

17           (f) Fifty dollars for each wild bird not otherwise listed  
18 in this section;

19           (g) Fifty dollars for each game fish measuring more than  
20 twelve inches in length;

21           (h) Twenty-five dollars for each raccoon;

22           (i) Twenty dollars for each other game fish; and

23           (j) Twenty dollars for any other species of game not  
24 otherwise listed in this subsection.

25           (2) Such damages may be collected by the commission by

1 civil action. In every case of conviction for any of such offenses,  
2 the court or magistrate before whom such conviction is obtained  
3 shall further enter judgment in favor of the State of Nebraska  
4 and against the defendant for liquidated damages in the amount  
5 set forth in this section and collect such damages by execution  
6 or otherwise. Failure to obtain conviction on a criminal charge  
7 shall not bar a separate civil action for such liquidated damages.  
8 Damages collected pursuant to this section shall be remitted to the  
9 ~~secretary~~ director of the commission who shall remit them to the  
10 State Treasurer for credit to the State Game Fund.

11           Sec. 26. Section 37-624, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           37-624 (1) The commission may enter into a memorandum of  
14 agreement for cooperative law enforcement with the United States  
15 Fish and Wildlife Service.

16           (2) Special agents and refuge officers of the United  
17 States Fish and Wildlife Service who are certified as federal law  
18 enforcement officers may be credentialed as conservation officers  
19 of the commission. The ~~secretary, under the direction of the~~  
20 ~~commission acting in official session,~~ director may credential such  
21 officers. Training requirements under section 81-1414 shall not  
22 apply to an officer credentialed under this subsection.

23           (3) Nothing in this section shall authorize special  
24 agents and refuge officers of the United States Fish and Wildlife  
25 Service who are credentialed as conservation officers pursuant to

1 subsection (2) of this section to enforce any other laws of the  
2 State of Nebraska while exercising the authority specified in such  
3 subsection, nor shall any evidence discovered in the course of such  
4 agents' or officers' duties in enforcement of the Game Law or rules  
5 and regulations adopted and promulgated by the commission, which is  
6 evidence of a violation of any other laws of the State of Nebraska,  
7 be admissible in a subsequent prosecution for such violation.

8           Sec. 27. Section 37-705, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           37-705 (1) Anyone who takes any fish from waters closed  
11 by the commission as provided in the Game Law, who takes any game  
12 upon any reserve or sanctuary, who goes thereon with a gun or  
13 dog, who permits a dog to run thereon, who otherwise intentionally  
14 disturbs game or birds thereon and causes them to depart from such  
15 reserve or sanctuary, who goes upon any wild fowl sanctuary to  
16 fish or for any other purpose during the open season on wild fowl,  
17 or who violates any provision of sections 37-701 to 37-704 or any  
18 rule or regulation of the commission relating to game reserves or  
19 sanctuaries adopted and promulgated by authority of law shall be  
20 guilty of a Class III misdemeanor.

21           (2) Nothing in this section shall (a) render unlawful  
22 the keeping at farm homes, located on the reserves or sanctuaries  
23 provided for in the Game Law, such dogs as ordinarily are kept  
24 on farms, (b) render unlawful the possession of firearms by  
25 residents on such reserves or sanctuaries when such firearms are

1 not used to disturb or molest wild fowl or game thereon or prevent  
2 such residents from destroying predators as provided in section  
3 37-559 thereon, (c) prevent ~~members~~, officers, or employees of the  
4 commission from going upon sanctuaries at any time to enforce the  
5 Game Law, to obtain evidence to enforce it, or otherwise to protect  
6 game and fish thereon, or (d) make it unlawful to retrieve lawfully  
7 killed game birds from any such reserve or sanctuary.

8           Sec. 28. Section 37-721, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           37-721 The maintenance of a registered natural area in  
11 its natural state is hereby declared to be the highest, best, and  
12 most important use of the natural area. No entity of local or  
13 state government may undertake any activities or use the registered  
14 natural area in any way that would negatively impact the values  
15 of the natural area without first conducting a public hearing on  
16 such negative impact and filing with the ~~secretary~~ director of  
17 the commission a statement justifying the negative impact on the  
18 natural area of such activities or use.

19           Sec. 29. Section 37-805, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           37-805 (1) The commission shall conduct investigations  
22 of nongame wildlife in order to develop information relating to  
23 population, distribution, habitat needs, limiting factors, and  
24 other biological and ecological data to determine conservation  
25 measures necessary to enable such nongame wildlife to sustain

1 itself successfully. On the basis of such determinations the  
2 commission shall develop a list of nongame wildlife in need  
3 of conservation, ~~issue proposed regulations not later than two~~  
4 ~~years from August 24, 1975,~~ adopt and promulgate rules and  
5 regulations, and develop conservation programs designed to insure  
6 the continued ability of nongame wildlife in need of conservation  
7 to perpetuate itself successfully. The commission shall conduct  
8 continuing investigations of nongame wildlife.

9 (2) The commission shall establish such proposed  
10 limitations relating to the taking, possession, transportation,  
11 exportation from this state, processing, sale or offer for sale, or  
12 shipment as may be necessary to conserve such nongame wildlife.

13 (3) Except as provided in ~~regulations issued~~ rules and  
14 regulations adopted and promulgated by the commission, it shall  
15 be unlawful for any person to take, possess, transport, export,  
16 process, sell or offer for sale, or ship nongame wildlife in need  
17 of conservation pursuant to this section. Subject to the same  
18 exception, it shall further be unlawful for any person, other  
19 than a common or contract motor carrier under the jurisdiction  
20 of the Public Service Commission or the ~~Interstate Commerce~~  
21 ~~Commission~~ United States Department of Transportation, knowingly  
22 to transport, ship, or receive for shipment nongame wildlife in  
23 need of conservation pursuant to this section.

24 Sec. 30. Section 37-806, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   37-806 (1) Any species of wildlife or wild plants  
2 determined to be an endangered species pursuant to the Endangered  
3 Species Act shall be an endangered species under the Nongame and  
4 Endangered Species Conservation Act, and any species of wildlife  
5 or wild plants determined to be a threatened species pursuant to  
6 the Endangered Species Act shall be a threatened species under the  
7 Nongame and Endangered Species Conservation Act. The commission may  
8 determine that any such threatened species is an endangered species  
9 throughout all or any portion of the range of such species within  
10 this state.

11                   (2) In addition to the species determined to be  
12 endangered or threatened pursuant to the Endangered Species Act,  
13 the commission shall by regulation determine whether any species  
14 of wildlife or wild plants normally occurring within this state  
15 is an endangered or threatened species as a result of any of the  
16 following factors:

17                   (a) The present or threatened destruction, modification,  
18 or curtailment of its habitat or range;

19                   (b) Overutilization for commercial, sporting, scientific,  
20 educational, or other purposes;

21                   (c) Disease or predation;

22                   (d) The inadequacy of existing regulatory mechanisms; or

23                   (e) Other natural or manmade factors affecting its  
24 continued existence within this state.

25                   (3) (a) The commission shall make determinations required

1 by subsection (2) of this section on the basis of the best  
2 scientific, commercial, and other data available to the commission.

3 (b) Except with respect to species of wildlife or wild  
4 plants determined to be endangered or threatened species under  
5 subsection (1) of this section, the commission may not add a  
6 species to nor remove a species from any list published pursuant to  
7 subsection (5) of this section unless the commission has first:

8 (i) Provided public notice of such proposed action by  
9 publication in a newspaper of general circulation in each county  
10 in that portion of the subject species' range in which it  
11 is endangered or threatened or, if the subject species' range  
12 extends over more than five counties, in a newspaper of statewide  
13 circulation distributed in the county;

14 (ii) Provided notice of such proposed action to and  
15 allowed comment from the Department of Agriculture, the Department  
16 of Environmental Quality, and the Department of Natural Resources;

17 (iii) Provided notice of such proposed action to and  
18 allowed comment from each natural resources district and public  
19 power district located in that portion of the subject species'  
20 range in which it is endangered or threatened;

21 (iv) Notified the Governor of any state sharing a common  
22 border with this state, in which the subject species is known to  
23 occur, that such action is being proposed;

24 (v) Allowed at least sixty days following publication for  
25 comment from the public and other interested parties;

1           (vi) Held at least one public hearing on such proposed  
2 action in each game and parks ~~commissioner~~ advisory board member  
3 district of the subject species' range in which it is endangered or  
4 threatened;

5           (vii) Submitted the scientific, commercial, and other  
6 data which is the basis of the proposed action to scientists or  
7 experts outside and independent of the commission for peer review  
8 of the data and conclusions. If the commission submits the data  
9 to a state or federal fish and wildlife agency for peer review,  
10 the commission shall also submit the data to scientists or experts  
11 not affiliated with such an agency for review. For purposes of  
12 this section, state fish and wildlife agency does not include a  
13 postsecondary educational institution; and

14           (viii) For species proposed to be added under this  
15 subsection but not for species proposed to be removed under  
16 this subsection, developed an outline of the potential impacts,  
17 requirements, or regulations that may be placed on private  
18 landowners, or other persons who hold state-recognized property  
19 rights on behalf of themselves or others, as a result of the  
20 listing of the species or the development of a proposed program for  
21 the conservation of the species as required in subsection (1) of  
22 section 37-807.

23           The inadvertent failure to provide notice as required by  
24 subdivision (3)(b) of this section shall not prohibit the listing  
25 of a species and shall not be deemed to be a violation of the

1 Administrative Procedure Act or the Nongame and Endangered Species  
2 Conservation Act.

3 (c) When the commission is proposing to add or remove  
4 a species under this subsection, public notice under subdivision  
5 (3)(b)(i) of this section shall include, but not be limited to, (i)  
6 the species proposed to be listed and a description of that portion  
7 of its range in which the species is endangered or threatened, (ii)  
8 a declaration that the commission submitted the data which is the  
9 basis for the listing for peer review and developed an outline if  
10 required under subdivision (b)(viii) of this subsection, and (iii)  
11 a declaration of the availability of the peer review, including  
12 an explanation of any changes or modifications the commission has  
13 made to its proposal as a result of the peer review, and the  
14 outline required under subdivision (b)(viii) of this subsection, if  
15 applicable, for public examination.

16 (d) In cases when the commission determines that an  
17 emergency situation exists involving the continued existence of  
18 such species as a viable component of the wild fauna or flora  
19 of the state, the commission may add species to such lists after  
20 having first published a public notice that such an emergency  
21 situation exists together with a summary of facts which support  
22 such determination.

23 (4) In determining whether any species of wildlife or  
24 wild plants is an endangered or threatened species, the commission  
25 shall take into consideration those actions being carried out by

1 the federal government, by other states, by other agencies of this  
2 state or political subdivisions thereof, or by any other person  
3 which may affect the species under consideration.

4 (5) The commission shall ~~issue~~ adopt and promulgate rules  
5 and regulations containing a list of all species of wildlife  
6 and wild plants normally occurring within this state which it  
7 determines, in accordance with subsections (1) through (4) of this  
8 section, to be endangered or threatened species and a list of  
9 all such species. Each list shall refer to the species contained  
10 therein by scientific and common name or names, if any, and shall  
11 specify with respect to each such species over what portion of its  
12 range it is endangered or threatened.

13 (6) Except with respect to species of wildlife or wild  
14 plants determined to be endangered or threatened pursuant to the  
15 Endangered Species Act, the commission shall, upon the petition of  
16 an interested person, conduct a review of any listed or unlisted  
17 species proposed to be removed from or added to the lists published  
18 pursuant to subsection (5) of this section, but only if the  
19 commission publishes a public notice that such person has presented  
20 substantial evidence which warrants such a review.

21 (7) Whenever any species of wildlife or wild plants is  
22 listed as a threatened species pursuant to subsection (5) of this  
23 section, the commission shall ~~issue such~~ adopt and promulgate rules  
24 and regulations as are necessary to provide for the conservation  
25 of such species. The commission may prohibit, with respect to any

1 threatened species of wildlife or wild plants, any act prohibited  
2 under subsection (8) or (9) of this section.

3 (8) With respect to any endangered species of wildlife,  
4 it shall be unlawful, except as provided in subsection (7) of this  
5 section, for any person subject to the jurisdiction of this state  
6 to:

7 (a) Export any such species from this state;

8 (b) Take any such species within this state;

9 (c) Possess, process, sell or offer for sale, deliver,  
10 carry, transport, or ship, by any means whatsoever except as a  
11 common or contract motor carrier under the jurisdiction of the  
12 Public Service Commission or the ~~Interstate Commerce Commission,~~  
13 United States Department of Transportation, any such species; or

14 (d) Violate any rule or regulation pertaining to  
15 the conservation of such species or to any threatened species  
16 of wildlife listed pursuant to this section and adopted and  
17 promulgated by the commission pursuant to the Nongame and  
18 Endangered Species Conservation Act.

19 (9) With respect to any endangered species of wild  
20 plants, it shall be unlawful, except as provided in subsection (7)  
21 of this section, for any person subject to the jurisdiction of this  
22 state to:

23 (a) Export any such species from this state;

24 (b) Possess, process, sell or offer for sale, deliver,  
25 carry, transport, or ship, by any means whatsoever, any such

1 species; or

2 (c) Violate any rule or regulation pertaining to such  
3 species or to any threatened species of wild plants listed pursuant  
4 to this section and adopted and promulgated by the commission  
5 pursuant to the act.

6 (10) Any endangered species of wildlife or wild plants  
7 which enters this state from another state or from a point outside  
8 the territorial limits of the United States and which is being  
9 transported to a point within or beyond this state may be so  
10 entered and transported without restriction in accordance with the  
11 terms of any federal permit or permit issued under the laws, rules,  
12 or regulations of another state.

13 (11) The commission may permit any act otherwise  
14 prohibited by subsection (8) of this section for scientific  
15 purposes or to enhance the propagation or survival of the affected  
16 species.

17 (12) Any law, regulation, or ordinance of any political  
18 subdivision of this state which applies with respect to the taking,  
19 importation, exportation, possession, sale or offer for sale,  
20 processing, delivery, carrying, transportation other than under  
21 the jurisdiction of the Public Service Commission, or shipment of  
22 species determined to be endangered or threatened species pursuant  
23 to the Nongame and Endangered Species Conservation Act shall be  
24 void to the extent that it may effectively (a) permit that which  
25 is prohibited by the act or by any regulation which implements

1 the act or (b) prohibit that which is authorized pursuant to an  
2 exemption or permit provided for in the act or in any rule or  
3 regulation which implements the act. The Nongame and Endangered  
4 Species Conservation Act shall not otherwise be construed to void  
5 any law, regulation, or ordinance of any political subdivision of  
6 this state which is intended to conserve wildlife or wild plants.

7 Sec. 31. Section 37-807, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 37-807 (1) The commission shall establish such programs,  
10 including acquisition of land or aquatic habitat or interests  
11 therein, as are necessary for the conservation of nongame,  
12 threatened, or endangered species of wildlife or wild plants.  
13 Acquisition for the purposes of this subsection shall not include  
14 the power to obtain by eminent domain.

15 (2) In carrying out programs authorized by this  
16 section, the commission shall consult with other states having  
17 a common interest in particular species of nongame, endangered,  
18 or threatened species of wildlife or wild plants and may enter  
19 into agreements with federal agencies, other states, political  
20 subdivisions of this state, or private persons with respect  
21 to programs designed to conserve such species, including, when  
22 appropriate, agreements for administration and management of any  
23 area established under this section or utilized for conservation  
24 of such species.

25 (3) The Governor shall review other programs administered

1 by him or her and utilize such programs in furtherance of the  
2 purposes of the Nongame and Endangered Species Conservation Act.  
3 All other state agencies shall, in consultation with and with  
4 the assistance of the commission, utilize their authorities in  
5 furtherance of the purposes of the act by carrying out programs  
6 for the conservation of endangered species and threatened species  
7 listed pursuant to section 37-806 and by taking such action  
8 necessary to insure that actions authorized, funded, or carried  
9 out by them do not jeopardize the continued existence of such  
10 endangered or threatened species or result in the destruction or  
11 modification of habitat of such species which is determined by the  
12 commission to be critical. For purposes of this subsection, state  
13 agency means any department, agency, board, bureau, or commission  
14 of the state or any corporation whose primary function is to act  
15 as, and while acting as, an instrumentality or agency of the state,  
16 except that state agency shall not include a natural resources  
17 district or any other political subdivision.

18 (4) The commission shall provide notice and hold a  
19 public ~~meeting~~ hearing prior to the implementation of conservation  
20 programs designed to reestablish threatened, endangered, or  
21 extirpated species of wildlife or wild plants through the release  
22 of animals or plants to the wild. The purpose of holding such a  
23 public ~~meeting~~ hearing shall be to inform the public of programs  
24 requiring the release to the wild of such wildlife or wild plants  
25 and to solicit public input and opinion. The commission shall set a

1 date and time for the public ~~meeting~~ hearing to be held at a site  
2 convenient to the proposed release area and shall publish a notice  
3 of such ~~meeting~~ hearing in a legal newspaper published in or of  
4 general circulation in the county or counties where the proposed  
5 release is to take place. The notice shall be published at least  
6 twenty days prior to the ~~meeting~~ hearing and shall set forth the  
7 purpose, date, time, and place of the ~~meeting~~ hearing.

8           Sec. 32. Section 37-808, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           37-808 The commission shall ~~issue such~~ adopt and  
11 promulgate rules and regulations as are necessary to carry out the  
12 purposes of the Nongame and Endangered Species Conservation Act in  
13 accordance with the Administrative Procedure Act.

14           Sec. 33. Section 37-809, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           37-809 (1) Any person who violates ~~the provisions of~~  
17 subsection (3) of section 37-805 or any rules and regulations  
18 ~~issued~~ adopted and promulgated in implementation thereof or whoever  
19 fails to procure or violates the terms of any permit issued  
20 pursuant to section 37-805 shall be guilty of a Class II  
21 misdemeanor.

22           (2) Any person who violates ~~the provisions of~~ subsection  
23 (8) of section 37-806 or any rules and regulations issued adopted  
24 and promulgated pursuant to subsection (7) of section 37-806 or  
25 whoever fails to procure any permit required by subsection (11) of

1 section 37-806 or violates the terms of any such permit shall be  
2 guilty of a Class I misdemeanor.

3 (3) Any conservation officer or any peace officer of this  
4 state or any municipality or county within this state shall have  
5 authority to conduct searches as provided by law, and to execute a  
6 warrant to search for and seize any equipment other than equipment  
7 owned or operated by any common or contract motor carrier under  
8 the jurisdiction of the Public Service Commission or the ~~Interstate~~  
9 ~~Commerce Commission,~~ United States Department of Transportation,  
10 business records, wildlife, wild plants, or other contraband taken,  
11 used, or possessed in connection with any violation of the Nongame  
12 and Endangered Species Conservation Act. Any such officer or agent  
13 may, without a warrant, arrest any person whom he or she has  
14 probable cause to believe is violating, in his or her presence or  
15 view, the act or any rule, regulation, or permit provided for in  
16 the act. Any officer or agent who has made an arrest of a person  
17 in connection with any such violation may search such person or  
18 business records at the time of arrest and may seize any wildlife,  
19 wild plants, records, or property taken or used in connection with  
20 any such violation.

21 (4) Equipment other than equipment owned or operated by  
22 any common or contract motor carrier under the jurisdiction of the  
23 Public Service Commission or the ~~Interstate Commerce Commission,~~  
24 United States Department of Transportation, wildlife, wild plants,  
25 records, or other contraband seized under ~~the provisions of~~

1 subsection (3) of this section shall be held by an officer or  
2 agent of the commission pending disposition of court proceedings,  
3 and thereafter be forfeited to this state for destruction or  
4 disposition as the commission may deem appropriate. Prior to  
5 forfeiture, the commission may direct the transfer of wildlife  
6 or wild plants so seized to a qualified zoological, botanical,  
7 educational, or scientific institution for safekeeping, with the  
8 costs thereof to be assessable to the defendant. The commission  
9 shall ~~issue~~ adopt and promulgate rules and regulations to implement  
10 this subsection.

11           Sec. 34. Section 37-1219, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           37-1219 All registration fees received by the county  
14 treasurers or designated county officials shall be remitted on or  
15 before the thirtieth day of the following month to the ~~secretary~~  
16 director of the commission. All remittances shall be upon a form  
17 to be furnished by the commission, and a duplicate copy shall be  
18 retained by the county treasurer or designated county official.

19           Sec. 35. Section 37-1220, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           37-1220 The ~~secretary~~ director of the commission shall  
22 ~~deposit~~ daily ~~with~~ remit to the State Treasurer all registration  
23 fees received by ~~him~~ the commission and shall take the receipt of  
24 the treasurer therefor. The State Treasurer shall ~~place~~ credit all  
25 of the fees ~~so deposited in~~ to the State Game Fund.

1                   Sec. 36. Section 49-617, Revised Statutes Supplement,  
2 2007, is amended to read:

3                   49-617 The Revisor of Statutes shall cause the statutes  
4 to be printed. The printer shall deliver all completed copies to  
5 the Supreme Court. These copies shall be held and disposed of  
6 by the court as follows: Sixty copies to the State Library to  
7 exchange for statutes of other states; five copies to the State  
8 Library to keep for daily use; not to exceed twenty-five copies  
9 to the Legislative Council for bill drafting and related services  
10 to the Legislature and executive state officers; as many copies  
11 to the Attorney General as he or she has attorneys on his or her  
12 staff; as many copies to the Commission on Public Advocacy as it  
13 has attorneys on its staff; up to sixteen copies to the State  
14 Court Administrator; thirteen copies to the Tax Commissioner; eight  
15 copies to the Nebraska Publications Clearinghouse; six copies to  
16 the Public Service Commission; four copies to the Secretary of  
17 State; four copies to the Tax Equalization and Review Commission;  
18 four copies to the Clerk of the Legislature for use in his or  
19 her office and three copies to be maintained in the legislative  
20 chamber, one copy on each side of the chamber and one copy at the  
21 desk of the Clerk of the Legislature, under control of the sergeant  
22 at arms; three copies to the Auditor of Public Accounts; three  
23 copies to the Department of Health and Human Services; two copies  
24 each to the Governor of the state, the Chief Justice and each  
25 judge of the Supreme Court, each judge of the Court of Appeals,

1 the Clerk of the Supreme Court, the Reporter of the Supreme Court  
2 and Court of Appeals, the Commissioner of Labor, and the Revisor  
3 of Statutes; one copy each to the Secretary of State of the  
4 United States, each Indian tribal court located in the State of  
5 Nebraska, the library of the Supreme Court of the United States,  
6 the Adjutant General, the Air National Guard, the Commissioner  
7 of Education, the State Treasurer, the Board of Educational  
8 Lands and Funds, the Director of Agriculture, the Director of  
9 Administrative Services, the Director of Aeronautics, the Director  
10 of Economic Development, the director of the Public Employees  
11 Retirement Board, the Director-State Engineer, the Director of  
12 Banking and Finance, the Director of Insurance, the Director of  
13 Motor Vehicles, the Director of Veterans' Affairs, the Director  
14 of Natural Resources, the Director of Correctional Services, the  
15 Nebraska Emergency Operating Center, each judge of the Nebraska  
16 Workers' Compensation Court, each commissioner of the Commission of  
17 Industrial Relations, the Nebraska Liquor Control Commission, the  
18 State Real Estate Commission, the ~~secretary~~ Director of the Game  
19 and Parks Commission, the Board of Pardons, each state institution  
20 under the Department of Health and Human Services, each state  
21 institution under the State Department of Education, the State  
22 Surveyor, the Nebraska State Patrol, the materiel division of  
23 the Department of Administrative Services, the personnel division  
24 of the Department of Administrative Services, the Nebraska Motor  
25 Vehicle Industry Licensing Board, the Board of Trustees of the

1 Nebraska State Colleges, each of the Nebraska state colleges, each  
2 district judge of the State of Nebraska, each judge of the county  
3 court, each judge of a separate juvenile court, the Lieutenant  
4 Governor, each United States Senator from Nebraska, each United  
5 States Representative from Nebraska, each clerk of the district  
6 court for the use of the district court, the clerk of the Nebraska  
7 Workers' Compensation Court, each clerk of the county court, each  
8 county attorney, each county public defender, each county law  
9 library, and the inmate library at all state penal and correctional  
10 institutions, and each member of the Legislature shall be entitled  
11 to two complete sets, and two complete sets of such volumes as are  
12 necessary to update previously issued volumes, but each member of  
13 the Legislature and each judge of any court referred to in this  
14 section shall be entitled, on request, to an additional complete  
15 set. Copies of the statutes distributed without charge, as listed  
16 in this section, shall be the property of the state or governmental  
17 subdivision of the state and not the personal property of the  
18 particular person receiving a copy. Distribution of statutes to the  
19 library of the College of Law of the University of Nebraska shall  
20 be as provided in sections 85-176 and 85-177.

21           Sec. 37. Section 60-677, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           60-677 The directors of state institutions, and the  
24 Director of the Game and Parks Commission and natural resources  
25 districts for areas under their control, shall have the powers

1 of local authorities provided for in the Nebraska Rules of the  
2 Road with regard to roadways running through, within, or along  
3 the grounds of the institution or area which are not part of the  
4 state highway system and not within the limits of any incorporated  
5 city or village. The governing body of an incorporated city or  
6 village may delegate to the director of a state institution, or  
7 to the Director of the Game and Parks Commission or a natural  
8 resources district for an area under its control, responsibility  
9 for regulating traffic and placing and maintaining traffic control  
10 devices on roadways not part of the state highway system running  
11 through or within the limits of such institution or area and within  
12 the incorporated city or village when such city or village does not  
13 exercise its right to regulate traffic on such roadway.

14           Sec. 38. Section 60-6,190, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           60-6,190 (1) Whenever the Department of Roads determines,  
17 upon the basis of an engineering and traffic investigation, that  
18 any maximum speed limit is greater or less than is reasonable  
19 or safe under the conditions found to exist at any intersection,  
20 place, or part of the state highway system outside of the corporate  
21 limits of cities and villages as well as inside the corporate  
22 limits of cities and villages on freeways which are part of the  
23 state highway system, it may determine and set a reasonable and  
24 safe maximum speed limit for such intersection, place, or part of  
25 such highway which shall be the lawful speed limit when appropriate

1 signs giving notice thereof are erected at such intersection,  
2 place, or part of the highway, except that the maximum rural and  
3 freeway limits shall not be exceeded. Such a maximum speed limit  
4 may be set to be effective at all times or at such times as are  
5 indicated upon such signs.

6 (2) The speed limits set by the department shall not be  
7 a departmental rule, regulation, or order subject to the statutory  
8 procedures for such rules, regulations, or orders but shall be  
9 an authorization over the signature of the Director-State Engineer  
10 and shall be maintained on permanent file at the headquarters of  
11 the department. Certified copies of such authorizations shall  
12 be available from the department at a reasonable cost for  
13 duplication. Any change to such an authorization shall be made  
14 by a new authorization which cancels the previous authorization  
15 and establishes the new limit, but the new limit shall not become  
16 effective until signs showing the new limit are erected as provided  
17 in subsection (1) of this section.

18 (3) On county highways which are not part of the state  
19 highway system or within the limits of any state institution or any  
20 area under control of the Game and Parks Commission or a natural  
21 resources district and which are outside of the corporate limits  
22 of cities and villages, county boards shall have the same power  
23 and duty to alter the maximum speed limits as the department if  
24 the change is based on an engineering and traffic investigation  
25 comparable to that made by the department. The limit outside of

1 a business or residential district shall not be decreased to less  
2 than thirty-five miles per hour.

3 (4) On all highways within their corporate limits, except  
4 on state-maintained freeways which are part of the state highway  
5 system, incorporated cities and villages shall have the same power  
6 and duty to alter the maximum speed limits as the department if the  
7 change is based on engineering and traffic investigation, except  
8 that no imposition of speed limits on highways which are part  
9 of the state highway system in cities and villages under forty  
10 thousand inhabitants shall be effective without the approval of the  
11 department.

12 (5) The director of any state institution, the Director  
13 of the Game and Parks Commission, or a natural resources district,  
14 with regard to highways which are not a part of the state highway  
15 system, which are within the limits of such institution or area  
16 under Game and Parks Commission or natural resources district  
17 control, and which are outside the limits of any incorporated  
18 city or village, shall have the same power and duty to alter the  
19 maximum speed limits as the department if the change is based on  
20 an engineering and traffic investigation comparable to that made by  
21 the department.

22 (6) Not more than six such speed limits shall be set  
23 per mile along a highway, except in the case of reduced limits at  
24 intersections, and the difference between adjacent limits shall not  
25 be more than twenty miles per hour.

1           (7) When the department or a local authority determines  
2 by an investigation that certain vehicles in addition to those  
3 specified in sections 60-6,187, 60-6,305, and 60-6,313 cannot  
4 with safety travel at the speeds provided in sections 60-6,186,  
5 60-6,187, 60-6,189, 60-6,305, and 60-6,313 or set pursuant to  
6 this section or section 60-6,188 or 60-6,189, the department or  
7 local authority may restrict the speed limit for such vehicles  
8 on highways under its respective jurisdiction and post proper and  
9 adequate signs.

10           Sec. 39. Section 66-1701, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           66-1701 The Biopower Steering Committee is established.  
13 The committee may study the feasibility of generating electricity  
14 from the use of biomass and agricultural crops and of supporting a  
15 demonstration project which may include a gasification component.  
16 The project would include, but not be limited to, use of biomass  
17 fuel which is farm-grown biomass or residue from agricultural  
18 or wood-product activities. The committee may collect information  
19 which may be used by all of Nebraska's public utilities to  
20 develop biopower electricity projects, including, but not limited  
21 to, the exploration of how the use of instate resources for  
22 electricity production might benefit the rural economy, an economic  
23 analysis of benefits to Nebraska from the use of instate rather  
24 than out-of-state resources, and the potential to reduce gaseous  
25 emissions.

1           The committee shall consist of: (1) Three representatives  
2 from the Nebraska Power Association, one public interest  
3 representative, and one environmental interest representative, all  
4 appointed by the Governor; (2) two agricultural representatives  
5 appointed by the Governor; (3) a representative of the State  
6 Energy Office appointed by the Governor; (4) the Director of  
7 Economic Development or his or her designee; (5) ~~a representative~~  
8 the Director of the Game and Parks Commission appointed by the  
9 Governor; or his or her designee; (6) the chairperson of the  
10 Committee on Agriculture as an ex officio, nonvoting member; and  
11 (7) the chairperson of the Committee on Natural Resources of the  
12 Legislature as an ex officio, nonvoting member. Committee members  
13 shall be reimbursed for actual and necessary expenses as provided  
14 in sections 81-1174 to 81-1177.

15           The Biopower Steering Committee shall seek federal and  
16 other grant funds and resources from Nebraska's public utilities  
17 and from other public and private sources to carry out any study  
18 and to implement any demonstration project which may be undertaken.  
19 The Biopower Development Cash Fund is created. Funds received by  
20 the committee shall be remitted to the State Treasurer for credit  
21 to the Biopower Development Cash Fund. Any money in the fund  
22 available for investment shall be invested by the state investment  
23 officer pursuant to the Nebraska Capital Expansion Act and the  
24 Nebraska State Funds Investment Act.

25           The committee shall report its findings to the Committee

1 on Natural Resources by December 1 each year.

2 The Biopower Steering Committee terminates on December  
3 31, 2008.

4 Sec. 40. Section 72-223, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 72-223 The condemnation proceedings provided in sections  
7 72-213 to 72-222 shall not operate to deprive the State of Nebraska  
8 of any mineral rights in the lands taken for the special purposes  
9 authorized by ~~said~~ such sections, and, except as to land acquired  
10 by the United States of America, when any such land shall cease  
11 to be used for the special purpose for which it was acquired,  
12 it shall revert to the State of Nebraska as educational land. On  
13 lands acquired in this manner by the Game and Parks Commission,  
14 all mineral income shall accrue to the appropriate state school  
15 funds. All ~~÷ PROVIDED, that~~ all mineral extraction and exploration  
16 shall be conducted in a manner to be approved by both the Board of  
17 Educational Lands and Funds and the Director of the Game and Parks  
18 Commission.

19 Sec. 41. Section 72-269, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 72-269 The Board of Educational Lands and Funds is  
22 authorized and directed to sell section thirty-six, township  
23 thirty-two north, range forty-nine, west of the sixth principal  
24 meridian, Dawes County, Nebraska, reserving mineral, oil, and gas  
25 rights, to the Game and Parks Commission on payment of forty

1 thousand dollars. All mineral extraction and exploration on such  
2 land shall be conducted in a manner approved by both the Board of  
3 Educational Lands and Funds and the Director of the Game and Parks  
4 Commission.

5 Sec. 42. Section 72-2007, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 72-2007 (1) The Niobrara Council is created. The council  
8 membership shall include:

9 (a) A representative of each of the county boards of  
10 Brown, Cherry, Keya Paha, and Rock counties chosen by the county  
11 board of the respective county;

12 (b) A representative of the Middle Niobrara Natural  
13 Resources District and the Lower Niobrara Natural Resources  
14 District chosen by the board of the respective district;

15 (c) The ~~secretary~~ Director of the Game and Parks  
16 Commission or his or her designee;

17 (d) A representative of the United States Fish and  
18 Wildlife Service and a representative of the National Park Service  
19 chosen by the Governor from lists of at least three individuals,  
20 or fewer if there are not at least three qualified individuals,  
21 submitted by the federal services. The appointments under this  
22 subdivision shall be nonvoting members unless and until the  
23 agencies represented by these appointees formally authorize such  
24 appointees to vote on all matters before the council;

25 (e) An individual from each of Brown, Cherry, Keya Paha,

1 and Rock counties who resides in the Niobrara River drainage  
2 area and owns land in the Niobrara scenic river corridor chosen  
3 by the Governor from a list of at least three individuals, or  
4 fewer if there are not at least three qualified individuals, from  
5 each county submitted by the county board representatives on the  
6 council;

7 (f) A representative from a recreational business  
8 operating within the Niobrara scenic river corridor chosen by the  
9 Governor from a list of at least three individuals, or fewer if  
10 there are not at least three qualified individuals, submitted by  
11 the county board representatives on the council;

12 (g) A timber industry representative operating within  
13 the Niobrara scenic river corridor chosen by the Governor from a  
14 list of at least three individuals, or fewer if there are not at  
15 least three qualified individuals, submitted by the county board  
16 representatives on the council; and

17 (h) A representative of a recognized, nonprofit  
18 environmental, conservation, or wildlife organization chosen by the  
19 Governor from a list of at least three individuals, or fewer if  
20 there are not at least three qualified individuals, submitted by  
21 the county board representatives on the council.

22 The council members shall be selected within ninety days  
23 after July 13, 2000. The council members shall hold office for  
24 three-year terms and until a successor is appointed and qualified.  
25 The council members shall serve at the pleasure of the appointing

1 board or the Governor.

2 (2) The council shall elect a chairperson, a  
3 vice-chairperson, a secretary, and a treasurer who shall jointly  
4 serve as the executive committee for the council. The council shall  
5 meet on a regular basis, preferably once a month, with a minimum of  
6 six meetings per year. Special meetings may be called by any member  
7 of the executive committee or at the request of a simple majority  
8 of the members of the council.

9 (3) A quorum shall be present at a meeting before any  
10 action may be taken by the council. A quorum shall be a majority  
11 of the members who are selected and serving and who vote on issues  
12 before the council. All actions of the council require a majority  
13 vote of the quorum present at any meeting, except that any vote  
14 to reject or adopt any zoning regulation or variance under section  
15 72-2010 requires a vote of two-thirds of all the council members  
16 who are selected and serving and who vote on issues before the  
17 council. A council member may not participate or vote on any matter  
18 on which he or she participated or voted as a member of a county  
19 board, county planning commission, or natural resources district  
20 board, and in such a case such council member shall not be counted  
21 for purposes of determining whether quorum or vote requirements  
22 have been satisfied.

23 (4) Members shall be reimbursed for actual and necessary  
24 expenses incurred in carrying out their duties on the council as  
25 provided in sections 81-1174 to 81-1177.

1                   Sec. 43. Section 81-101, Revised Statutes Supplement,  
2 2007, is amended to read:

3                   81-101 The civil administration of the laws of the state  
4 is vested in the Governor. For the purpose of aiding the Governor  
5 in the execution and administration of the laws, the executive  
6 and administrative work shall be divided into the following  
7 agencies: (1) Department of Agriculture; (2) Department of Labor;  
8 (3) Department of Roads; (4) Department of Natural Resources; (5)  
9 Department of Banking and Finance; (6) Department of Insurance;  
10 (7) Department of Motor Vehicles; (8) Department of Administrative  
11 Services; (9) Department of Economic Development; (10) Department  
12 of Correctional Services; (11) Nebraska State Patrol; ~~and~~ (12)  
13 Department of Health and Human Services; and (13) Game and Parks  
14 Commission.

15                   Sec. 44. Section 81-102, Revised Statutes Supplement,  
16 2007, is amended to read:

17                   81-102 (1) The Governor shall appoint heads for the  
18 various agencies listed in section 81-101, subject to confirmation  
19 by a majority vote of the members elected to the Legislature. Such  
20 appointments shall be submitted to the Legislature within sixty  
21 calendar days following the first Thursday after the first Tuesday  
22 in each odd-numbered year.

23                   (2) The officers shall be designated as follows:

24                   ~~(1)~~ (a) The Director of Agriculture for the Department of  
25 Agriculture;

1           ~~(2) the~~ (b) The Commissioner of Labor for the Department  
2 of Labor;

3           ~~(3) the~~ (c) The Director-State Engineer for the  
4 Department of Roads;

5           ~~(4) the~~ (d) The Director of Natural Resources for the  
6 Department of Natural Resources;

7           ~~(5) the~~ (e) The Director of Banking and Finance for the  
8 Department of Banking and Finance;

9           ~~(6) the~~ (f) The Director of Insurance for the Department  
10 of Insurance;

11           ~~(7) the~~ (g) The Director of Motor Vehicles for the  
12 Department of Motor Vehicles;

13           ~~(8) the~~ (h) The Director of Administrative Services for  
14 the Department of Administrative Services;

15           ~~(9) the~~ (i) The Director of Correctional Services for the  
16 Department of Correctional Services;

17           ~~(10) the~~ (j) The Director of Economic Development for the  
18 Department of Economic Development;

19           ~~(11) the~~ (k) The Superintendent of Law Enforcement and  
20 Public Safety for the Nebraska State Patrol;

21           ~~(12) the~~ (l) The Property Tax Administrator as the chief  
22 administrative officer of the property assessment division of the  
23 Department of Revenue;

24           and ~~(13) the~~ (m) The chief executive officer for the  
25 Department of Health and Human Services; and -

1           (n) The Director of the Game and Parks Commission for the  
2 commission.

3           (3) Whoever shall be so is nominated by the Governor  
4 and ~~shall fail~~ fails to receive the number of votes requisite for  
5 confirmation, shall not be subject to nomination or appointment for  
6 this or any other appointive state office requiring confirmation by  
7 the Legislature during the period for which his or her appointment  
8 was sought.

9           (4) In case of a vacancy in any of such offices during  
10 the recess of the Legislature, the Governor shall make a temporary  
11 appointment until the next meeting of the Legislature, when he or  
12 she shall nominate some person to fill such office.

13           (5) Any person so nominated who is confirmed by the  
14 Legislature, shall hold his or her office during the remainder of  
15 the term if a specific term has been provided by law, otherwise  
16 during the pleasure of the Governor subject to the provisions  
17 of this section; except any such officers may be removed by the  
18 Governor pursuant to Article IV of the Constitution of Nebraska.

19           Sec. 45. Section 81-15,170, Revised Statutes Supplement,  
20 2007, is amended to read:

21           81-15,170 The Nebraska Environmental Trust Board is  
22 hereby created as an entity of the executive branch. The board  
23 shall consist of the Director of Environmental Quality, the  
24 Director of Natural Resources, the Director of Agriculture, the  
25 ~~secretary~~ Director of the Game and Parks Commission, the chief

1 executive officer of the Department of Health and Human Services  
2 or his or her designee, and nine citizens appointed by the  
3 Governor with the approval of a majority of the Legislature.  
4 The citizen members shall begin serving immediately following  
5 notice of nomination and prior to approval by the Legislature.  
6 The citizen members shall represent the general public and shall  
7 have demonstrated competence, experience, and interest in the  
8 environment of the state. Two of the citizen appointees shall  
9 also have experience with private financing of public-purpose  
10 projects. Three appointees shall be chosen from each of the  
11 three congressional districts. The board shall hire an executive  
12 director who shall hire and supervise other staff members as may be  
13 authorized by the board. The executive director shall serve at the  
14 pleasure of the board and be solely responsible to it. The Game and  
15 Parks Commission shall provide administrative support, including,  
16 but not limited to, payroll and accounting functions, to the board.

17           Sec. 46. Section 86-570, Revised Statutes Supplement,  
18 2007, is amended to read:

19           86-570 (1) The Geographic Information System Steering  
20 Committee is hereby created and shall consist of nineteen members  
21 as follows:

22           (a) The Chief Information Officer or his or her designee  
23 and the director or designee of the Department of Environmental  
24 Quality, the Department of Health and Human Services, the  
25 Conservation and Survey Division of the University of Nebraska, the

1 Department of Natural Resources, and the Governor's Policy Research  
2 Office;

3 (b) The Director-State Engineer or designee;

4 (c) The State Surveyor or designee;

5 (d) The Clerk of the Legislature or designee;

6 (e) The ~~secretary~~ Director of the Game and Parks  
7 Commission or designee;

8 (f) The Property Tax Administrator or designee;

9 (g) One representative of federal agencies appointed by  
10 the Governor;

11 (h) One representative of the natural resources districts  
12 nominated by the Nebraska Association of Resources Districts and  
13 appointed by the Governor;

14 (i) One representative of the public power districts  
15 appointed by the Governor;

16 (j) Two representatives of the counties nominated by  
17 the Nebraska Association of County Officials and appointed by the  
18 Governor;

19 (k) One representative of the municipalities nominated  
20 by the League of Nebraska Municipalities and appointed by the  
21 Governor; and

22 (l) Two members at large appointed by the Governor.

23 (2) The appointed members shall serve for terms of  
24 four years, except that of the initial members appointed by the  
25 Governor, one of the representatives of the counties shall be

1 appointed for one year and the other shall be appointed for three  
2 years, one of the members at large shall be appointed for one  
3 year and the other for three years, and the representative of the  
4 public power districts shall be appointed for two years. Their  
5 successors shall be appointed for four-year terms. Any vacancy on  
6 the committee shall be filled in the same manner as the original  
7 appointment, and the person selected to fill such vacancy shall  
8 have the same qualifications as the member whose vacancy is being  
9 filled.

10 (3) The members shall be reimbursed for their actual and  
11 necessary expenses as provided in sections 81-1174 to 81-1177.

12 Sec. 47. This act becomes operative on January 1, 2009.

13 Sec. 48. Original sections 37-101, 37-103, 37-104,  
14 37-105, 37-106, 37-107, 37-108, 37-109, 37-110, 37-312, 37-314,  
15 37-321, 37-323, 37-325, 37-327.01, 37-448, 37-463, 37-493, 37-494,  
16 37-512, 37-562, 37-613, 37-624, 37-705, 37-721, 37-805, 37-806,  
17 37-807, 37-808, 37-809, 37-1219, 37-1220, 60-677, 60-6,190,  
18 66-1701, 72-223, 72-269, and 72-2007, Reissue Revised Statutes of  
19 Nebraska, section 2-5003, Revised Statutes Cumulative Supplement,  
20 2006, and sections 37-406, 37-431, 49-617, 81-101, 81-102,  
21 81-15,170, and 86-570, Revised Statutes Supplement, 2007, are  
22 repealed.

23 Sec. 49. The following sections are outright repealed:  
24 Sections 81-8,307 and 81-8,308, Reissue Revised Statutes of  
25 Nebraska.